

**REMARKS**

Claims 1-40 are presently pending.

**Rejection under 35 U.S.C. § 103(a)**

The Examiner rejected Claims 1-18, 21-35, and 37-39 under 35 U.S.C. § 103(a) as being unpatentable over Shibata (JP406169643A) in view of Schoonman (U.S. Patent 3,295,254).

Independent Claims 1, 18, 21, and 34 have been amended herein to distinguish over the cited references. Support for these amendments is found at least on page 11, line 7 through page 12, line 5 and FIGS. 5 and 6 of the originally filed application. No new matter has been added. More particularly, the claims have been amended to recite that the fluid or medicament is injected into the plant by motion of at least one piston actuated by compressed gas without the gas contacting the fluid or medicament. Instead, the compressed gas urges a piston 80, 125, to inject the fluid or medicament into the plant.

In contrast, the gas G in gas container 2 of Shibata is mixed in with the liquid L in liquid container 20 and then injected into the plant. The Examiner notes on the paragraph bridging pages 2 and 3 of the Office Action that "Shibata does not disclose that the gas injected from the gas container travels with the liquid through pipe 23 to be injected into the tree. Instead, he teaches that the pressurized gas is injected into the container 20 and thus pushing the fluid L into passageway 25 and into the pipe 23." However, the gas G in container 2 of Shibata clearly contacts the liquid L in container 20.

Schoonman discloses a gravity-fed device that can be connected to a source of fluid pressure for delivering fluid, such as anti-freeze or chemicals, to a tree. See column 3, line 44 through column 4, line 59 and FIG. 3 of Schoonman. The pressurized fluid in pressurized container 34 contacts the fluid being injected into the tree. Accordingly, Shibata and Schoonman, taken individually or in combination, do not teach or suggest the limitations of

amended Claims 1, 18, 21, and 34. The dependent claims thus contain the limitations of the respective independent claims and thus are believed to be patentable over the cited references.

Accordingly, the rejection is believed to be overcome.

The Examiner rejected Claims 19, 36, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Shibata as modified by Schoonman as applied to Claim 18 above, and further in view of Hendrixson *et al.* (U.S. Patent 4,103,456).

Claim 19 depends directly from independent Claim 18, Claim 36 depends directly from independent Claim 1, and Claim 40 depends directly from independent Claim 21. Thus, Claims 19, 36, and 40 include the patentable distinction over Shibata and Schoonman for the reasons discussed. It is respectfully submitted that Hendrixson *et al.* fail to remedy the deficiencies of Shibata and Schoonman. That is, it appears that the compressed gas within pressurized can 34 mixes with the liquid solutions of chemicals that are injected into the tree.

Accordingly, this rejection is respectfully traversed.

The Examiner rejected Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Shibata as modified by Schoonman as applied to Claim 18 above, and further in view of Mazur *et al.* (U.S. Patent 4,908,983).

Claim 20 depends from Claim 18, which has been previously amended to specify that the medicament is injected through a needle that is fixed relative to the injector through a surface of the plant to inject the medicament into the plant. Although Shibata, Schoonman, and Mazur *et al.* teach various aspects of Claim 20, there is no teaching or suggestion of combining the teachings together to provide a method for injecting a medicament into a plant as recited in Claim 20.

Accordingly, the rejection is respectfully traversed.

Information Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner believes that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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